

**PREAMBLE  
TO THE  
SUPERINTENDENT'S COMPENDIUM  
2004**

**SITKA NATIONAL HISTORICAL PARK**

**PREAMBLE**

The proposed compendium was available for comment from January 1 – February 15, 2004. The following preamble addresses comments received by the park on the proposed compendium. Groups or organizations who commented are identified in the discussion.

The park received comments from one individual, consolidated comments from the Wilderness Society, National Parks Conservation Association and the Alaska Center for the Environment, and comments from the State of Alaska.

**GENERAL COMMENTS:**

**Determinations:**

The State of Alaska (State) pointed out that the parks deal with determinations differently and has asked for more consistency, suggesting that a separate document be created to list the determinations.

The National Park Service (NPS) will attempt to incorporate the State's suggestion by creating a second section to the compendium that includes the lengthier determinations. Short italicized explanations may still accompany an individual compendium entry to facilitate reader understanding.

**Use of state law**

The State expressed their appreciation of the NPS's willingness to consider the use and applicability of state law in certain cases.

**Limit applicability to Federal Lands**

The State requests an introduction to each compendium explaining that these compendium regulations only apply to park areas managed by the NPS.

We concur with the comment and have added in the introductory paragraph the phrase *in park areas* and in addition a sentence referencing the applicability and scope of the regulations and the compendium found in 36 CFR Sections 1.2 and 13.2, and 43 CFR Section 36.1. These sections carefully articulate where the regulations, and the compendium, apply.

**Compendiums as educational tools:**

The State commented that the compendia may be a type of educational tool and supports the use of the compendia in that effort.

The NPS is supportive of the State's desire to see the document used for education. However, the NPS believes that the purpose of the compendiums is to serve as a compilation of designations, closures, openings and other restrictions.

**Use of the terms "aircraft," "airplane" and "fixed-wing aircraft"**

The Wilderness Society (TWS), National Parks Conservation Association (NPCA) and Alaska Center for the Environment (ACE) commented that the term *aircraft* is used in the compendiums when they felt that the terms *airplane* and *fixed-wing aircraft* would be more appropriate based on Section 1110(a) of ANILCA.

The NPS believes that the use of the term *aircraft* is appropriate where used since the term is identical to that used in the regulations. And while the term *aircraft* is used, fixed-wing aircraft uses are the only aircraft specifically permitted under 43 CFR 36.11.

**36 CODE OF FEDERAL REGULATIONS SPECIFIC COMMENTS:****2.1 (a) (5) Designated areas for walking or climbing on cultural sites**

Except where there are park specific issues, the State has encouraged consistent wording, commenting that the current wording might confuse readers.

The NPS will continue to attempt to attain consistency using the following phrase, which specifically addresses the regulation paragraph. The italics section has been expanded for clarity, incorporating the State's suggestion.

"There are no designated areas or conditions."

*Walking or climbing on cultural resources is prohibited. This protects cultural and archeological resources.*

**2.3 (d)(2) Waters Open to Bait Fishing in Fresh Water**

The State of Alaska has suggested adoption of compendium entries that will bring the NPS fishing regulations in Alaska into conformity with State Regulations. The Alaska specific regulation permitting fishing in park areas, 36 CFR 13.21 adopts applicable State and Federal law to the extent not inconsistent with 36 CFR 2.3. The NPS believes that any compendium entries must continue to be consistent with the regulations in Section 2.3.

**2.14(a)(7) Sanitation designated areas for disposal of fish remains.**

The State suggested consistency and clarity. Based on the comment the entry has been modified. We believe the following is consistent with the regulation and provides clarity for the reader.

“There are no designated areas.”

*Fish remains may not be disposed on either land or water within 200 feet of public boat docks, designated swim beaches, or within developed areas for reasons of public health and safety.*

#### **2.14(a)(9) Human waste disposal in nondeveloped areas.**

Where possible, the State of Alaska has suggested a uniform distance of 100 feet as the appropriate distance from water, campsites, or a trail, and further consideration concerning the use of cat holes and disposal of toilet paper.

The NPS agrees to adopt a uniform distance but would like to work further with the State to consider national research and standards on this issue in determining the most appropriate distance. We concur that further dialogue is appropriate on these issues, especially as technology and other factors develop.

#### **3.6(k) Launching or operating airboats**

The Wilderness Society, National Parks Conservation Association, and the Alaska Center for the Environment request the NPS change this section to reflect the national prohibition on airboats. They state that ANILCA and its implementing regulations do not specifically provide for airboat use. And furthermore, they state that the NPS has identified airboats to be a separate and distinct class of boat.

After considering the Wilderness Society, NPCA and ACE comments, the NPS believes that the reference to 3.6(k) is unnecessary in the compendium since 36 CFR 3.6(k) does not provide the superintendent with discretionary authority. We will eliminate the reference to 3.6(k). We wish to continue discussion on the issue, however.

#### **13.19(b) Carrying Firearms**

The State encourages the NPS to 1) provide for the use of bear spray in all Alaska park units, 2) allow the use of firearms, nets and traps for legitimate hunting, fishing, and trapping under state and federal laws, and 3) allow transport of firearms for legal purposes across the former Katmai National Monument.

The NPS appreciates the State of Alaska’s comments on our current efforts to initiate a Phase I special regulation package to modify existing regulations.

#### **Additional comments**

Sitka National Historical Park received one other written comment from a concerned individual that was generic in nature and dealt with the concessions requirements region-wide. This issue was addressed by a specific reply to the individual from the Alaska Regional Office.

**SITKA NATIONAL HISTORICAL PARK  
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National Park Service (NPS) regulations applicable to the protection and equitable public use of units of the National Park System grant specified authorities to a park superintendent to allow or restrict certain activities. NPS regulations are found in Titles 36 and 43 of the Code of Federal Regulations (CFR) and created under authority and responsibility granted the Secretary of Interior in Titles 16 and 18 of the United States Code. The following compendium comprises a listing of all NPS regulations that provide the Superintendent with discretionary authority to make designations or impose public use restrictions or conditions in park areas. The applicability and scope of the compendium is articulated in 36 CFR Sections 1.2 and 13.2, and 43 CFR Section 36.1.

The larger body of NPS regulations that do not provide discretionary authority to the Superintendent is not cited in this compendium. A complete and accurate picture of regulations governing use and protection of the unit can only be gained by viewing this compendium in context with the full body of applicable regulations found in Titles 36 and 43 CFR. *Please contact Sitka National Historical Park, Sitka, Alaska at (907) 747-6281 for questions relating to information provided in this compendium.*

**TITLE 36 CODE OF FEDERAL REGULATIONS**

**PART 1. GENERAL PROVISIONS**

**1.5 Closures and public use limits**

**(a)(1) Visiting hours, public use limits, closures**

The Park is a "day use area". Park grounds are open the following hours:

Summer months (May 15 to September 30)

6:00 a.m. to 10:00 p.m.

Winter months (October 1 to May 14)

7:00 a.m. to 8:00 p.m.

The upper Visitor Center bus parking lot is reserved for tour buses and oversized vehicles between 7:30 a.m. and 5:30 p.m. from May 15 to September 30. Small buses are allowed in the Visitor Center lower parking lot only to drop off and pick up passengers with disabilities.

Both upper and lower Visitor Center parking lots are closed to all use after park grounds are closed. No overnight parking is allowed within park boundaries.

Pedestrian through-traffic is allowed on the section of trail between Sawmill Creek Road, over the Indian River footbridge and to or from the upper

Visitor Center parking lot after park grounds are closed - provided that pedestrians do not loiter. All other portions of the trail system and grounds are closed before and after grounds hours.

Eating, drinking and smoking are prohibited inside park facilities, including the Visitor Center, Southeast Alaska Indian Cultural Center and the Russian Bishop's House.

Skating, skateboarding or use of other similar recreational devices is not allowed in the park. Prohibited areas include sidewalks and parking areas.

*These devices are prohibited based on safety concerns that skaters are not adequately able to stop or avoid other pedestrians or vehicles. Please see full determination in the appendix.*

Bicycle riding is prohibited in the park except in parking areas. Bicycles may be walked through the park via the most direct route possible to or from the Sawmill Creek Road entrance and the upper Visitor Center parking lot. Bicycles may be parked in the bike racks provided near each trail entrance. Leaving bicycles unattended in the park for more than 20 minutes, other than in designated bike racks, is prohibited.

*This activity is prohibited based on safety concerns that bicyclists are not adequately able to stop to avoid other pedestrians or vehicles on the park's winding, forested trails. Please see full determination in the appendix.*

See specific sections in this document for additional information regarding closures, visiting hours and public use limits.

**(a)(2) Designated areas for specific use or activity or conditions**

See specific sections in this document for additional information regarding designated areas and conditions for engaging in certain activities.

**1.6(f) Compilation of activities requiring a permit**

- Collecting research specimens, (2.5)
- Operating a power saw in developed areas, (2.12(a)(2))
- Operating a portable motor or engine in undeveloped areas, (2.12(a)(3))
- Operating a public address system, (2.12(a)(4))
- Air delivery, (2.17(a)(3))
- Noncommercial soliciting, (2.37)
- Using, possessing, storing, or transporting explosives, blasting agents, or explosive materials, (2.38(a))
- Special events, (2.50(a))
- Public assemblies and meetings, (2.51(a))
- Sale and distribution of printed matter, (2.52(a))

- Residing on federal lands, (2.61(a))
- Installing a monument, (2.62(a))
- Commercial notices or advertisements, (5.1)
- Commercial operations, (5.3)
- Commercial photography or filming, (5.5)
- Repair or construction of any structure or facility, road, trail, or airstrip on federal lands, (5.7)
- Salvaging, removing, possessing aircraft, (43 CFR 36.11(f)(3)(ii))
- Helicopter landings, (43 CFR 36.11(f)(4))
- Off-road vehicle (ORV) use, (43 CFR 36.11(g)(2))
- Temporary access across federal land for survey, geophysical or exploratory work, (43 CFR 36.12(c))

## **PART 2. RESOURCE PROTECTION, PUBLIC USE AND RECREATION**

### **2.1(a)(4) Designated areas for collection of dead and downed timber for firewood**

Woodcutting and gathering are prohibited within the park boundaries.

### **2.1(a)(5) Designated areas and conditions for walking, climbing on archeological cultural resource sites**

There are no designated areas or conditions.

*Walking or climbing on cultural resources is prohibited. This protects cultural and archeological resources.*

### **2.1(b) Designated trails**

See section 1.5(a)(1) for public use limits and closures on park trails.

### **2.1(c)(1-3) Designated fruits and berries, to harvest by hand for personal use**

All edible fruits, berries and/or nuts may be gathered by hand for personal use or consumption in reasonable amounts not to exceed two quarts per person per day.

### **2.2(d) Established conditions and procedures for transporting lawfully taken wildlife through the park area**

No conditions or procedures.

### **2.2(e) Designated areas for wildlife viewing with artificial light**

No areas designated for closure.

### **2.3(d)(2) Fresh waters designated as open to bait fishing with live or dead minnows or other bait fish, amphibians, non-preserved fish eggs or fish roe**

No waters designated as open to fishing with the types of bait identified above.  
Other types of bait may be used in accordance with State law.

### **2.4(a)(2)(i) Carrying of weapons at designated locations and times**

Weapons and traps may not be carried within the park. See 2.4(a)(3), which

authorizes possession of unloaded weapons that are either inoperable or inaccessible in vehicles and vessels.

**2.10(a) Camping-conditions and permits**

Superseded by 13.72(a).

**2.10(d) Food storage – designated areas and methods**

No restrictions at present.

**2.11 Picnicking – designated areas**

Superseded by 13.18(b).

**2.13(a)(1) Fires – designated areas and conditions**

Fires are allowed only in elevated fire grills and at the fire ring located in the 2001 park addition. All trash (tin foil, burnt food, glass and cans) must be removed from the fire site after use.

**2.14(a)(2) Sanitation and refuse – using government receptacles**

No conditions established.

**2.14(a)(5) Sanitation - designated areas for bathing and washing**

No designated areas; therefore, unless allowed by the Superintendent, bathing and washing of cooking utensils, food and other property at all public water outlets, fixtures or pools is prohibited.

**2.14(a)(7) Sanitation – designated areas for disposal of fish remains**

There are no designated areas.

*Fish remains may not be disposed on either land or water within 200 feet of public boat docks, designated swim beaches, or within developed areas for reasons of public health and safety.*

**2.14(a)(8) Sanitation – human waste in developed areas**

Human waste must be disposed of in public restrooms and outhouses where available.

**2.14(a)(9) Sanitation – designated areas for disposal of human waste in undeveloped areas**

No designated areas.

**2.14(b) Sanitation – conditions concerning disposal, carrying out of human waste**

No conditions at present.

**2.15(a)(1),(a)(3),(a)(5),(b),(e) Pets**

Pets may be left unattended on park grounds for a brief period of time, not to exceed fifteen minutes. Unattended pets must be restrained. Pets may be briefly

leashed to a sign post or porch post, provided they do not disturb other park visitors, restrict access or obstruct roads or walkways. Unattended pets may remain in personal vehicles in a park parking lot a maximum of four hours, provided the vehicle has adequate ventilation and the pet does not make an unreasonable amount of noise.

Pet owners must properly dispose of pet excrement deposited in the park. All excrement must be removed from park trails and grounds. Owners may dispose of excrement in covered waste cans provided throughout the park.

**2.16(a)-(c) Horses and pack animals**

Superseded by 43 CFR 36.11(e).

**2.17(a)(1) Aircraft operation**

Superseded by 43 CFR 36.11(f)(1).

**2.17(a)(2) Aircraft operation near docks, piers, swimming beaches and other designated areas**

No areas prohibited at present.

**2.17(c)(1) Removal of downed aircraft**

Superseded by 43 CFR 36.11(f)(3)(ii)

**2.18(c) Snowmobile -designated areas for use**

No areas designated for snowmobile use.

Superseded in part by 43 CFR 36.11(c) Special access.

**2.19(a) Winter activities – designations**

Roads and parking areas open to vehicle traffic in the winter are not designated as open to winter activities.

**2.20 Skating and skateboards**

See section 1.5(a)(1) for public use limits and closures. Superseded by 43 CFR 36.11(e).

**2.21 Smoking**

All public buildings are closed to smoking unless specifically allowed and signed as a designated area. Smoking is prohibited within 100 feet of a park fuel storage facility.

*These restrictions are intended to protect public health and public safety from fire or explosion around fuel storage facilities.*

**2.22 Property – designated areas for leaving property unattended for more than 24 hours**

No designated areas.



**2.35(a)(3)(i) Alcoholic beverages – areas closed to consumption**

The consumption of an alcoholic beverage and/or the possession of an open bottle, can or other receptacle containing an alcoholic beverage in the park is allowed only at locations with picnic tables or where fires are allowed under 2.13(a)(1). All other areas are closed.

*This limited use is implemented according to the Superintendent's determination that the consumption of an alcoholic beverage and/or the possession of an open container of an alcoholic beverage is inappropriate considering other uses of the location and the purposes for which the park is maintained and established.*

**2.38(b) Explosives – areas designated for using fireworks**

No areas designated for use of fireworks. Fireworks are prohibited.

**2.51(e) Public assemblies/meetings – designated areas**

Any park area(s) may be designated for use by the public for assemblies and meetings, provided a permit to do so has been issued by the Superintendent.

**2.52(e) Sale and distribution of printed matter - areas designated for such use**

Any park area(s) may be designated for use by the public for First Amendment activities, provided a permit to do so has been issued by the Superintendent.

**2.60(a)(3) Designated areas for grazing**

No areas designated for grazing.

**2.62(b) Memorialization - designation of areas for scattering of ashes**

All areas of the park are open to scattering of ashes with a permit from the Superintendent.

**PART 3. BOATING AND WATER USE ACTIVITIES**

**3.3 Permits**

No permits required at present.

**3.6(i) Boating, prohibited operations – designated launching areas**

No designated areas.

**3.6(l) Operating a vessel in excess of designated size**

No maximum size designations at present.

**3.20(a) Water skiing - designated waters**

No designated waters.

**3.21(a)(1) Swimming and bathing - areas designated as closed**

No areas designated as closed to swimming. All areas of the park are closed to bathing.

**3.23(a) SCUBA and snorkeling – designated conditions in swimming areas, docks, etc.**

No designated waters at present.

**PART 4. VEHICLES AND TRAFFIC SAFETY**

**4.10 Travel on park roads and designated routes - areas designated for off-road use in Preserves**

No designations at present. See also 43 CFR 36.11(c),(g).

**4.11(a) Load weight and size limits – permit requirements and restrictive conditions**

No restrictions at present.

**4.21(b)-(c) Speed limits - designation of a different speed limit**

Not applicable.

**4.30(a) Bicycles - closed areas**

Superseded by 43 CFR 36.11(e). See also Section 1.5 Closures.

**4.30(d)(1) Wilderness closed to bicycle use**

Not applicable.

**4.31 Hitchhiking - designated areas**

No conditions established.

**PART 13. ALASKA REGULATIONS**

**SUBPART A – PUBLIC USE AND RECREATION**

**13.18(a) Restricted areas for camping**

Areas temporarily restricted or closed to camping are listed under 13.30(d)(2).  
See also 13.72(a) for camping restrictions.

**13.18(b) Picnicking**

No restrictions at present.

**13.30(d)(1) Temporary closures and restrictions relating to the use of aircraft, motorboats, and non-motorized surface transportation or to the taking of fish and wildlife**

No closures or restrictions at present.

**13.30(d)(2) Temporary closures and restrictions (other)**

No closures or restrictions at present.

**TITLE 43 CODE OF FEDERAL REGULATIONS - PART 36  
TRANSPORTATION AND UTILITY SYSTEMS (Access Regulations)**

**36.11(c) Temporary closures or restrictions on the use of snowmachines for traditional activities**

No closures or restrictions at present.

**36.11(d) Temporary closures or restrictions on use of motorboats**

No closures or restrictions at present.

**36.11(e) Temporary closures or restrictions on use of non-motorized surface transportation**

See safety closure to bicycles and skating devices listed under section 1.5(a)(1) of this document. No closures or restrictions at present.

**36.11(f)(1) Temporary closures or restrictions on landing areas for fixed-wing aircraft**

No closures or restrictions at present.

**36.11(f)(3)(ii) Established procedure for salvaging and removing downed aircraft**

A permit is required from the Superintendent before downed aircraft may be salvaged and removed from the park; violation of the terms and conditions of the permit is prohibited.

*This requirement allows the Superintendent to establish terms and conditions for salvage operations as necessary to protect resources, provide for public safety, and minimize impacts on visitors.*

**36.11(g)(1) Use of off-road vehicles (ORV) on established trails**

No trails designated for ORV use at present. ORV use is not allowed in the park.

Please see below the attached appendices for more extensive determinations.

**This compendium is approved and rescinds all previous compendiums for Sitka National Historical Park.**

/s/ Gregory A. Dudgeon

March 15, 2004

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**Superintendent**

**Date**

## **SITKA NATIONAL HISTORICAL PARK 2004 COMPENDIUM DETERMINATIONS**

National Park Service (NPS) regulations applicable to the protection and equitable public use of units of the National Park System grant specified authorities to a park superintendent to allow or restrict certain activities. Section 1.5 - Closures and public use limits of 36 CFR - outline the procedures which allow for a superintendent's discretion to close or restrict public use. Section 1.5 (c) states "... the superintendent shall prepare a written determination justifying the action."

### **TITLE 36 CODE OF FEDERAL REGULATIONS**

#### **PART 1. GENERAL PROVISIONS**

##### **1.5 Closures and public use limits**

###### **(a)(1) Visiting hours, public use limits, closures**

*The park's enabling legislation states the purposes for the park are to preserve and interpret the themes and historical objects of the area. Given current staffing and funding levels, the Superintendent has determined that establishing visiting hours is necessary and appropriate to protect park resources prescriptively and provide for visitor safety.*

*A large percentage of park visitors originate from cruise ships and arrive at the park on tour buses. The Superintendent has determined that during the busy cruise ship season, it is necessary to reserve a large portion of the upper parking lot for these buses in order to accommodate the influx of cruise ship visitors who are on tight shore-side schedules. Parking for other vehicles is also available and designated by signs.*

*Given the purposes for which the park was established the Superintendent has determined that parking and/or vehicle camping is inappropriate after hours.*

*Since the park's cross trail has been traditionally used by Sitkans as a short cut for access to different areas in the community, the park allows for 24-hour use of the footpath, unless closed temporarily for emergencies. The Superintendent has determined this less restrictive measure to be appropriate at this time, given the trail's long-time use and the public's desire for the short cut.*

*The Superintendent has determined that eating, drinking and/or smoking within park buildings is inappropriate because of public health concerns and to protect the controlled environment in which numerous cultural and museum objects are located. Spilled liquids and/or foodstuffs may damage such resources directly and attract pests which could harm both objects and buildings.*

*The Superintendent has determined to prohibit all skating activities and devices based on public safety concerns. The winding nature of the park's trails and sidewalks and the number of pedestrians using them are incompatible with skating or similar activities.*

*The Superintendent has determined that bicycle riding in the park is prohibited - except in parking areas - because of public safety concerns. Park trails are not of uniform width, grade or surface condition and visibility is restricted in many areas. Bicyclists may not be able to see pedestrians in time to avoid collisions. The narrow footbridge over Indian River is a focal point of congestion and especially hazardous as bike riders cannot pass pedestrians on the bridge. Narrow, winding and heavily wooded trail areas such as the 1804 Battle Site are also high risk areas. Regardless of the time of year or weather conditions, there are numerous pedestrians on park trails throughout the day. The NPS has a primary responsibility to protect park visitors. The potential for and consequences of injuries due to bicycle-pedestrian mishaps in the park are unacceptable.*

*The park's enabling legislation, the park's General Management Plan and recent Environmental Assessment have all been considered by the Superintendent in prohibiting bike riding in the park. The formulation and evaluation processes for both the GMP and the EA (both of which solicited public input) addressed the bicycle issue and in both cases it was decided that bicycle riding was not appropriate in the park because of safety concerns. Lesser alternatives were considered as per 36 CFR 1.5(c), including seasonal bike closures, conditions to allow bike riding unless pedestrians were present and within certain other conditions (such as trail width and visibility parameters). In all cases, the Superintendent has determined the only way to provide an acceptable level of safety to protect the public is with a complete prohibition on bicycle riding on park trails.*

#### **1.6(f) Compilation of activities requiring a permit**

*Regulations under 36 and 43 CFR direct the Superintendent to allow for certain activities subject to the terms and conditions of a permit specific to that activity. The listing of these activities and associated regulations is required. However, they may not be compendium issues per se, even though a permit may be denied by the Superintendent if certain conditions are not met. Determinations for each of these are made on a case by case basis and are listed under the appropriate section if the Superintendent has used his discretionary authority.*

## **PART 2. RESOURCE PROTECTION, PUBLIC USE AND RECREATION**

### **2.1(b) Designated trails**

*See determination for section 1.5(a)(1)*

### **2.1(c)(1-3) Designated fruits and berries, to harvest by hand for personal use**

*The Superintendent has determined the gathering by hand of all edible fruits, berries and/or nuts for personal use or consumption in reasonable amounts will not adversely affect park resources. In consultation with the park biologist and other staff, a limit of two quarts per person per day was determined. Because of the historic and cultural use of blueberries and huckleberries by the local community and because the park is easily accessible to large numbers of visitors, the NPS felt a daily limit was appropriate to prevent the complete removal of these fruits. Without such limits, some park visitors (who may never have experienced the taste of such fruits) may be deprived of the opportunity to pick and eat such berries.*

### **2.13(a)(1) Fires – designated areas and conditions**

*The Superintendent has determined that fires are appropriate in the metal fire grills designed for that use and at the fire ring located in the 2001 park addition, near the Indian River and adjacent to the Sheldon Jackson College (SJC). The fire ring on the property previously owned and used by SJC has traditionally been used for campfire gatherings. To prohibit such use at that site would result in a significant alteration in the public use pattern of the area and require the NPS to publish the restriction as Rulemaking in the Federal Register. This determination to allow such fires will not adversely affect park resources.*

*The Superintendent has also determined that all trash must be removed from the fire site after use based on the condition that adverse impacts to park resources are prohibited by regulation. Failure to clean up the fire site may attract wildlife that scavenge for food which in turn may scatter litter or attract bears which may pose a danger to visitors.*

### **2.15(a)(1),(a)(3),(a)(5),(b),(e) Pets**

*The Superintendent has determined that unattended pets may be left for a brief period of time, if restrained, to allow for persons to enter buildings or attend to temporary matters. Fifteen minutes was determined to be an appropriate amount of time for pets to be left unattended if tied to an object. Four hours was deemed an appropriate time limit for leaving pets unattended but confined within an automobile on park grounds. Both of these restrictions are based on the conditions set forth in 2.15(a)(4) regarding unreasonable noise.*

*The Superintendent has determined that pet owners must dispose of pet excrement in a sanitary method that includes removal from the park trails and grounds. Because the park's trails are so easily accessible and a large number of residents walk their pets in the park on a daily basis, the removal requirement is enforced to prevent resource degradation as well as minimize visitor complaints from non-pet owners. After an evaluation of the problem with park staff, removal of pet wastes was determined to be the least restrictive measure that would meet both the CFR regulations as well as general public opinion. The park provides biodegradable "Mutt Mitts" free of charge in*

*dispensers at various park entrances to assist pet owners. The cleanup and removal of pet excrement using these bags is sanitary and convenient as these may be disposed of in park garbage containers.*

#### **2.17(c)(1) Removal of downed aircraft**

*See determination for 43 CFR 36.11(f)(3)(ii)*

#### **2.20 Skating and skateboards**

*See determination for section 1.5(a)(1)*

#### **2.21 Smoking**

*The Superintendent has determined that all public buildings are closed to smoking unless specifically designated and signed as a smoking area. Smoking is also prohibited within 100 feet of a park fuel storage facility. These restrictions are intended to protect public health and safety from inhaled smoke and from potentially dangerous fire or explosion. These restrictions are generally accepted as minimum standards for public safety most everywhere and are deemed the least restrictive measures acceptable.*

#### **2.35(a)(3)(i) Alcoholic beverages – areas closed to consumption**

*The Superintendent has determined that the consumption of an alcoholic beverage and/or the possession of an open container of an alcoholic beverage are appropriate at only certain locations within the park. In consideration of other uses and because of the purposes for which the park was established and is maintained, such use is allowed in conjunction with picnics and other social gatherings which is customary. The prohibition for such use in other park areas was determined in part by consideration of the city's open container law and due to a documented history of alcohol related incidents occurring in the park.*

#### **2.62(b) Memorialization - designation of areas for scattering of ashes**

*The Superintendent has determined that all areas of the park are open to the scattering of human ashes pursuant to the conditions of a permit issued for such an activity. Such activities, if controlled within the context of the park's cultural themes by conditions of the permit, are appropriate and consistent with the purpose for which the park was established. The determination also finds that such limited use would not pose a significant detriment to park resources.*

### **PART 3. BOATING AND WATER USE ACTIVITIES**

#### **3.21(a)(1) Swimming and bathing - areas designated as closed**



*The Superintendent has determined that all areas of the park are open to swimming though this activity is not a traditional use of the park. No significant resource impacts are expected if swimming occurs in Indian River inside the park. The Superintendent has also determined that all areas of the park are closed to bathing because the park is a day use area only and bathing is an inappropriate activity based on the purposes for which the park was established. There should be no need for bathing in the park with the city of Sitka in such close proximity. Potential impacts to both the natural resource (soap in a salmon stream) and public opinion concerning nudity, however minor, were also evaluated in the determination to prohibit bathing in the park.*

#### **PART 4. VEHICLES AND TRAFFIC SAFETY**

##### **4.30(a) Bicycles - closed areas**

*See determination for section 1.5(a)(1)*

#### **PART 13. ALASKA REGULATIONS**

##### **SUBPART A – PUBLIC USE AND RECREATION**

*No applicable compendium entries*

#### **TITLE 43 CODE OF FEDERAL REGULATIONS - PART 36 TRANSPORTATION AND UTILITY SYSTEMS (Access Regulations)**

##### **36.11(e) Temporary closures or restrictions on use of non-motorized surface transportation**

*See determination for section 1.5(a)(1)*

##### **36.11(f)(3)(ii) Established procedure for salvaging and removing downed aircraft**

*This requirement allows the Superintendent to establish terms and conditions for salvage operations as necessary to protect resources, provide for public safety, and minimize impacts on visitors.*

\_\_\_\_\_  
/s/ Greg Dudgeon

\_\_\_\_\_  
March 15, 2004

**Superintendent**

**Date**